

**MARCH 17, 2008****MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**LOCAL 786 I. B. of T. SEVERANCE )  
FUND, and LOCAL 786 BUILDING )  
MATERIAL WELFARE FUND, and )  
Trustees MICHAEL YAUGER and )  
WILLIAM GUTH, )**

Plaintiffs, )

v. )

**VERONICA CONTRACTING, INC., an )  
Illinois corporation, )**

Defendant. )

NO.: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**08 C 1560**

**JUDGE CASTILLO  
MAGISTRATE JUDGE SCHENKIER**

**COMPLAINT**

NOW COME Plaintiffs, **LOCAL 786 I. B. of T. SEVERANCE FUND, and LOCAL 786 BUILDING MATERIAL WELFARE FUND, and Trustees MICHAEL YAUGER and WILLIAM GUTH**, by and through their attorney, ANTHONY PINELLI, and complain against Defendant, **VERONICA CONTRACTING, INC.**, as follows:

1. (a) Jurisdiction of this case is based upon §301 of the *National Labor Relations Act*, 29 U.S.C. §185(a), *as amended*.

(b) Jurisdiction of this case is based upon §502 of the *Employee Retirement Security Act of 1974*, 29 U.S.C. §§ 1132, 1145 (“ERISA”), *as amended*.

2. Venue is founded pursuant to 29 U.S.C. § 1132(e)(2) in this District where the Funds, as described in Paragraph 3, are administered.

3. (a) The Plaintiffs in this case are the LOCAL 786 I. B. of T. SEVERANCE FUND, and LOCAL 786 BUILDING MATERIAL WELFARE FUND (“Funds”), and Trustees and Fiduciaries,

MICHAEL YAUGER and WILLIAM GUTH (“Trustees”), and have standing to bring this suit pursuant to 29 U.S.C. §1132(d)(1), to sue pursuant to 29 U.S.C. §1132(d)(1).

(b) The Funds have been established pursuant to collective bargaining agreements previously entered into between the Teamsters Local Union 786 (the “Union”) and Defendant.

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the *National Labor Relations Act, as amended*, and other applicable state and federal laws, and also pursuant to the terms and provisions of the agreements and Declarations of Trust which establish the Funds.

4. (a) VERONICA CONTRACTING, INC. is an Illinois corporation with its principal place of business located within this Court’s jurisdiction.

(b) VERONICA CONTRACTING, INC. is an employer engaged in an industry affecting commerce.

5. VERONICA CONTRACTING, INC. has entered into a collective bargaining agreement with the Local 786 I. B. of T. pursuant to which it is required to make periodic contributions to the Funds on behalf of certain of its employees for retirement and health insurance.

6. By virtue of certain provisions contained in the collective bargaining agreements, VERONICA CONTRACTING, INC is bound by the Trust Agreements establishing the Funds.

7. Under the terms of the collective bargaining agreements and Trust Agreements to which it is bound, VERONICA CONTRACTING, INC. is required to make contributions to the Funds on behalf of its employees and, when given reasonable notice by Plaintiffs or their assigns.

8. VERONICA CONTRACTING, INC. has failed to timely remit certain contributions to the Funds and is delinquent in an amount in excess of \$50,000.

9. Further pursuant to its collective bargaining agreement, VERONICA CONTRACTING, INC. has been requested to supply records of employees for audit and has refused to do so.

**WHEREFORE**, plaintiffs pray for relief as follows:

- A. This Court enter judgment in the amount of all contributions owed, as well as additional amounts deemed appropriate.
- B. This Court enjoin VERONICA CONTRACTING, INC. from violating the terms of the collective bargaining agreement and Trust Agreements by failing to make timely payments to the Funds and be ordered to resume making those payments and to provide requested documents.
- C. Plaintiffs be awarded their costs herein, including reasonable attorneys' fees and costs incurred in the prosecution of this action, together with liquidated damages in the amount of 20%.
- D. The Court grant such equitable relief as it believes to be proper.

**DATED** this 17<sup>th</sup> day of March, 2008.

Respectfully submitted,

s/Anthony Pinelli  
**ANTHONY PINELLI**  
Attorney for Plaintiffs

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